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TOWNSHIP OF RUSSELL

ZONING BOARD OF APPEALS

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In re: :  
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Board of Zoning Appeals :  
Monthly Meeting :  
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- - - - - :

Transcript of the proceedings of the  
Russell Township Board of Zoning Appeals, at the  
Russell Township Town Hall, 14890 Chillicothe Road,  
Novelty, Ohio 44072, on Monday, December 2, 2024,  
commencing at 7:01 p.m.

ZONING BOARD: Steve Gokorsch, Chair  
Dushan Boucek, Vice Chair  
William Downing  
Mark McGrievy  
Nicole Mulloy

ZONING INSPECTOR: Shane Wrench

BOARD SECRETARY: Bonnie Guyer

ALSO PRESENT: Nicholas Mikash  
Sarah Mikash  
Sandy Osborn  
John Rode

## 1 PROCEEDINGS

2 CHAIRMAN GOKORSCH: Shane, you want  
3 to do roll call, roll call please?

4 INSPECTOR WRENCH: Steve Gokorsch?

5 CHAIRMAN GOKORSCH: Here.

6 INSPECTOR WRENCH: Dushan Boucek?

7 VICE CHAIR BOUCHEK: Here.

8 INSPECTOR WRENCH: Bill Downing?

9 MR. DOWNING: Here.

10 INSPECTOR WRENCH: Nicole Mulloy?

11 MS. MULLOY: Here.

12 INSPECTOR WRENCH: Mark McGrievy?

13 MR. MCGRIEVY: Here.

14 CHAIRMAN GOKORSCH: Bonnie, do we  
15 have any announcements?

16 MS. GUYER: The meeting  
17 notices were published in Maple Leaf and then  
18 certified letters were sent out also that week.  
19 The Chagrin Valley Times was a little late, so  
20 they did not meet the 10-day requirement, but  
21 Maple Leaf did.

22 CHAIRMAN GOKORSCH: Okay, thank you.  
23 Any other announcements? Any other  
24 announcements, Bonnie?

25 MS. GUYER: No; no sir.

1                   CHAIRMAN GOKORSCH:     Okay. All right.  
2                   We have a couple of items on the agenda tonight.  
3                   For all of you that haven't been here, this is  
4                   the Board of Zoning Appeals. We don't make the  
5                   zoning resolutions. We simply kind of enforce  
6                   them by the judge and the jury; all right?

7                   We're going to go through a process  
8                   here. Everybody will get a chance to speak.  
9                   First of all, let's make sure that anybody who  
10                  wants to speak tonight, we're going to swear you  
11                  in. So if you want to say anything tonight,  
12                  please raise your hand.

13                 (Witnesses sworn by the Chairman.)

14                 THE AUDIENCE:            Yes, we do.

15                 CHAIRMAN GOKORSCH:     All right. We  
16                 will ask you that when you speak, to identify  
17                 yourself giving your name and address, so that  
18                 our secretary can record it. And we've seen  
19                 this actual request before, so this isn't new,  
20                 but I want to make sure that everybody  
21                 understands in reviewing an area variance, which  
22                 is what we're talking about tonight, the prime  
23                 consideration is the practical difficulty.

24                 That is, you have to show the Board  
25                 what the practical difficulty is, which requires

1           you to request and be granted a variance; is  
2           that all understood? Okay.

3                   Procedurally, we will open the meeting.  
4           We will have someone make a motion to open it.  
5           What's the number, Dushan?

6                   VICE CHAIR BOUCHEK:     567.

7                   MR. DOWNING:            Mr. Chairman,  
8           I'll move that we open the appeal of variance  
9           #567.

10                  VICE CHAIR BOUCHEK:     I'll second it.

11                  CHAIRMAN GOKORSCH:     All in favor?

12                  VICE CHAIR BOUCHEK:     Aye.

13                  MR. DOWNING:            Aye.

14                  MR. MCGRIEVY:          Aye.

15                  MS. MULLOY:            Aye.

16                  CHAIRMAN GOKORSCH:     Aye. Okay.

17           Procedurally, you've got the floor right now,  
18           and you can state your case for why you should  
19           have this variance.

20                  MR. MIKASH:            Do I come up or  
21           just stand here?

22                  CHAIRMAN GOKORSCH:     You may be seated  
23           wherever you're comfortable. There's not a  
24           crowd here tonight. Okay. All right.

25                  MR. MIKASH:            I'm Nick Mikash.

1 I am the homeowner. This is my wife, Sarah.

2 MR. DOWNING: Please use the  
3 mic. The acoustics in here are a little iffy.

4 MR. MIKASH: All right. How's  
5 that?

6 MR. MCGRIEVEY: For the record,  
7 just say your name and address so she can get  
8 it.

9 MR. MIKASH: Nicholas Mikash,  
10 13640 Heath Road, Novelty. So you should have  
11 mirror image copies of our site map, but in  
12 addition, we brought a couple of photos that I  
13 can pass out so you can see. So the house is  
14 new. We were here about a year ago to get a  
15 variance to put the house in, so you can see  
16 kind of the view from the driveway right off of  
17 Heath Road.

18 This is off to the right of the  
19 property and just for reference, you can see,  
20 we've been growing trees since basically the  
21 house was finished and my wife kind of just  
22 highlighted where we put some trees in. I've  
23 got more.

24 CHAIRMAN GOKORSCH: Could you please  
25 pass those around to the Board, so we can see

1           them?

2                       MR. MIKASH:                       So if you refer  
3           to the site map, we are requesting to put the  
4           shed kind of to the right of the driveway.  
5           It's not completely past the front porch, but  
6           it's mostly in front of the house. The  
7           lot is pretty much the only place that makes  
8           sense to build a shed.

9                       I don't if you can remember when we  
10          came here last year, but our goal was to remove  
11          as few trees as possible. We wanted our house  
12          going into kind of wooded nature on the lot.  
13          And this is an already pretty much graded spot.  
14          It doesn't have trees on it and it's also not a  
15          slope.

16                      So if you look at this property map,  
17          you can't see the topography, but the road is  
18          sloped pretty significantly towards Sperry Road.

19                      CHAIRMAN GOKORSCH:      Let me be clear.  
20          This is important. You said the road is sloped  
21          towards Sperry significantly towards the front  
22          lot?

23                      MR. MIKASH:                      Yeah, our lot  
24          slopes downhill towards Sperry. So to the rear  
25          of the house is basically just off the leach

1 field and septic, which pretty much takes out  
2 that whole gap between the house and the wood  
3 line. There's septic tanks up to the left rear  
4 of the house.

5 CHAIRMAN GOKORSCH: Do you have a  
6 diagram showing that?

7 MR. MIKASH: Yes.

8 MRS. MIKASH: I have an updated  
9 site plan with the leach field and septic tanks  
10 location that shows all the trees there.

11 MR. MIKASH: Yes. So then  
12 this is pretty much like the map you'll be  
13 having. It shows kind of the location of the  
14 leach field and the septic tanks.

15 CHAIRMAN GOKORSCH: So the septic  
16 tank is in the rear of the house?

17 MR. MIKASH: Correct. So the  
18 septic tank is in the back of the house. If you  
19 go to the rear, the tanks are probably in the  
20 left-hand corner. So it's pretty tight. Like I  
21 said, we've tried to maintain the trees that we  
22 could on the property.

23 Being that it's a wooded lot, to us,  
24 this would be the only place to put a shed. I  
25 really would hate to have to put it to the rear,

1           because then it's down a slope, and I'm going to  
2           have to cut some more of the trees and clear  
3           more of the property, which is just not what  
4           we're looking to do. If you look at the  
5           pictures, I think you can kind of see what we  
6           want to the right of the house.

7                       When the trees are all leaned out, it's  
8           going to be very minimally noticeable. In  
9           addition, we're going to color match an extra  
10          expense to paint the shed to match the house, so  
11          it just all kind of blends in. If anybody's  
12          interested, I have the actual like brochure of  
13          the shed, so you can see what we're putting in.

14                   CHAIRMAN GOKORSCH:     There's a  
15          photograph here with a bunch of red lines on it.  
16          Can you explain that?

17                   MR. MIKASH:               Yes. So those  
18          are actually trees that we planted. There  
19          aren't a lot of leaves on them at this point in  
20          the year, but it's just highly effective. We  
21          are planting trees already in the front yard.  
22          And I hope this is going to continue to be  
23          reinforced in front of the lot leading to the  
24          house back in the woods.

25                   CHAIRMAN GOKORSCH:     What is the



1 purpose of the shed?

2 MR. MIKASH: Storage. So  
3 right now we're real tight in our garage space;  
4 so lawn equipment, mower, snow blower, all that  
5 stuff is packed into the garage right now.

6 MS. MULLOY: Is it the  
7 Saltbox?

8 MR. MIKASH: Correct, Saltbox.

9 MS. MULLOY: Saltbox.

10 VICE CHAIR BOUCHEK: If I may, a  
11 couple of questions. The actual drawing shows  
12 the shed. And it's right here that it's going  
13 to be 8 feet off of the property line. So are  
14 you placing it 8 feet off the property line or  
15 10 feet off the property line?

16 CHAIRMAN GOKORSCH: Well, this one --

17 MR. MIKASH: Ten.

18 CHAIRMAN GOKORSCH: -- says 12 feet.

19 MRS. MIKASH: When we staked it  
20 out, it was a little further than that. It's  
21 12.

22 MR. MIKASH: So we scooted  
23 it back --

24 MRS. MIKASH: Close to the  
25 property line.

1 MR. MIKASH: -- a bit closer  
2 to the house. So it's 12 feet actually.

3 VICE CHAIR BOUCHEK: So this shows  
4 something different?

5 CHAIRMAN GOKORSCH: Yeah, this one  
6 shows -- this diagram, I think, has a swale  
7 included in it. It says 12 feet off the rear  
8 property line.

9 MR. MIKASH: Right, the  
10 second.

11 CHAIRMAN GOKORSCH: So the one that  
12 says 8 feet is incorrect?

13 MR. MIKASH: Correct. So  
14 that's what was shown about five weeks ago when  
15 we first submitted it.

16 VICE CHAIR BOUCHEK: Okay. We cannot  
17 dispose of that, so you're going to have to  
18 correct that. They are different, so we need  
19 both of them.

20 MR. MCGRIEVY: Yeah, we'll have  
21 to introduce the second one as an amended  
22 exhibit at the time, so that we have the correct  
23 dimension and label them once it's submitted  
24 with the packet.

25 CHAIRMAN GOKORSCH: I'll make these

1 Exhibit A and Amended Exhibit A.

2 MR. MIKASH: Shane, would you  
3 like a copy? I've got another one.

4 INSPECTOR WRENCH: Is that an  
5 updated one?

6 MR. MIKASH: Yes.

7 INSPECTOR WRENCH: Yeah.

8 MS. OSBORN: Can I ask a  
9 question?

10 MR. DOWNING: We'll put it  
11 across.

12 VICE CHAIR BOUCHEK: Okay. All right.  
13 So this is a fairly new home, correct, and it  
14 was just finished?

15 MRS. MIKASH: Brand new.

16 MR. MIKASH: Yes.

17 VICE CHAIR BOUCHEK: Okay. And we  
18 granted you a variance for the main home of 35  
19 feet on the same side that you're putting the  
20 shed?

21 MR. MIKASH: Correct.

22 VICE CHAIR BOUCHEK: And I'm just  
23 wondering, you know, you didn't plan for any  
24 accessory buildings in the future? I mean, I'm  
25 just --

1                   MR. MIKASH:                   We kind of were  
2                   hoping we weren't going to necessarily need one.  
3                   Once we were in the house, it became pretty  
4                   apparent we were going to need one. We also  
5                   didn't really know exactly where we were going  
6                   to put it until we had things kind of figured  
7                   out.

8                   So like at the time we came for a  
9                   variance, we had no idea exactly where the  
10                  septic fields would be, but, like I said, it  
11                  takes up pretty much the entirety of that very  
12                  clear area.

13                 CHAIRMAN GOKORSCH:        On that note, so  
14                  the leach field is grass or shrub or whatever?

15                 MR. MIKASH:                Will be.

16                 CHAIRMAN GOKORSCH:        Right? Is there  
17                  a reason why you can't put the shed on the leach  
18                  field?

19                 MR. MIKASH:                From the  
20                  excavator, he said, "I would not put anything on  
21                  top of that as far as a structure. It's just  
22                  best to keep that vegetation."

23                 VICE CHAIR BOUCHEK:        How much  
24                  room is there between the leach field and the  
25                  back of the home?

1                   MR. MIKASH:                   Depending on  
2           where --

3                   MRS. MIKASH:                Ten (10) feet.

4                   MR. MIKASH:                Ten (10,) 12  
5           feet. It's pretty tight.

6                   VICE CHAIR BOUCHEK:       They ran the  
7           leach field almost all the way up to the home?

8                   MR. MIKASH:                Yeah, it runs  
9           kind of diagonal from the right corner to the  
10          left corner and it follows one line. Again, we  
11          were trying not to take trees down, so we pushed  
12          it back as far as we could without taking any  
13          additional trees down, but it's pretty close.

14                  VICE CHAIR BOUCHEK:       Okay. And  
15          according to this diagram, it shows the leach  
16          field almost from property line to property  
17          line, side to side.

18                  MR. MIKASH:                Correct.

19                  VICE CHAIR BOUCHEK:       Is that how it  
20          literally is?

21                  MR. MIKASH:                Yes.

22                  VICE CHAIR BOUCHEK:       Okay. And then  
23          you have a pad on the side of the house, because  
24          you have a side entry garage.

25                  MR. MIKASH:                A small -- yeah.

1           It's not really a turnaround, but a small pad,  
2           yes.

3                   VICE CHAIR BOUCHEK:     Is there any room  
4           between the end of the pad and where the leach  
5           field is?

6                   MR. MIKASH:                 Yes.

7                   VICE CHAIR BOUCHEK:     There should be  
8           at least 10 feet; right?

9                   MR. MIKASH:                 Yeah, it's  
10          actually a mound. Because of the walk-out  
11          basement, you step off the driveway and there's  
12          about, I don't know, a 15-foot drop between  
13          there and the yard, so it's just a small mound.

14                  MS. MULLOY:                 Does that  
15          drop-off happen on the other side of the house  
16          as well?

17                  MR. MIKASH:                 No, so the other  
18          side is angled. It's not absolutely at all  
19          open.

20                  VICE CHAIR BOUCHEK:     Where's these  
21          leach fields?

22                  CHAIRMAN GOKORSCH:        I'm sorry, what?

23                  VICE CHAIR BOUCHEK:     Where's the leach  
24          field at on this here?

25                  CHAIRMAN GOKORSCH:        It's right there.

1           This is north. Okay. Can I see the diagram? I  
2           note here that there's some room on this  
3           diagram, today's exhibit, updated exhibit.  
4           There's room in front of the septic tank to the  
5           south; isn't there?

6                       MR. MIKASH:                       On like the front  
7           left corner?

8                       CHAIRMAN GOKORSCH:           Yeah.

9                       MR. MIKASH:                       Correct. There's  
10          a place where we actually have a chicken pen  
11          over there.

12                      CHAIRMAN GOKORSCH:           You have a what,  
13          I'm sorry?

14                      MR. MIKASH:                      Chickens.

15                      CHAIRMAN GOKORSCH:           I'm sorry, a  
16          chicken coup?

17                      MR. MIKASH:                      Chickens, like a  
18          surrounding chicken fence is over there, a pen.

19                      CHAIRMAN GOKORSCH:           Oh, a pen, okay.

20                      MR. DOWNING:                    I'm a little  
21          confused.

22                      CHAIRMAN GOKORSCH:           Yeah, that's a  
23          question too I had. It shows this gray area  
24          that appears to be a swale. And this request  
25          was -- actually, there was two requests. One

1           was for the front yard and the second was, I  
2           believe, for a change in the side yard. What is  
3           this gray bar through here?

4                   MR. MIKASH:                   Oh, that's the  
5           driveway.

6                   MR. MCGRIEVY:                That's the  
7           driveway leading to the pad that goes into the  
8           septic. This would have been, Steve, to the --

9                   VICE CHAIR BOUCHEK:        It's in the  
10          photographs described.

11                  CHAIRMAN GOKORSCH:        And I don't want  
12          to leave the shed yet. Is there any other  
13          questions on the shed?

14                  MR. DOWNING:                Mr. Chairman, I  
15          have a question. What is the objection to  
16          putting it behind the house? What is behind the  
17          house that you can't? I mean, all kinds of  
18          people put sheds up in backyards.

19                  MR. MIKASH:                That's true. So  
20          we have a significant slope to the right of the  
21          house and a septic field.

22                  CHAIRMAN GOKORSCH:        This is the old  
23          diagram. Yeah, this was today's exhibit that  
24          you didn't see.

25                  MR. MCGRIEVY:                So it would be



1           one of the ones to look at that. So off the  
2           concrete pad, you're saying there's  
3           approximately a 10 to 15-foot drop right off the  
4           back of this and you couldn't put the shed right  
5           off the back?

6                       MR. MIKASH:                       Correct, yes.  
7           And so it's a big slope line on the right. I  
8           should probably just point that out, because  
9           it's not even -- like even push-mowing it, that  
10          would be a chore. There's a huge amount of  
11          slope line.

12                     MR. MCGRIEVY:                     So the topography  
13          of that area would not permit you to put a shed  
14          right behind the house --

15                     MR. MIKASH:                     Yes.

16                     MR. MCGRIEVY:                     -- is that what  
17          you're saying?

18                     MR. MIKASH:                     Yes.

19                     MS. OSBORN:                     Can I ask a  
20          question?

21                     CHAIRMAN GOKORSCH:                Sure.

22                     MS. OSBORN:                     How far is the  
23          back of the house from the property line to the  
24          west?

25                     MR. MCGRIEVY:                     To the west?

1                   MRS. MIKASH:                   Almost 700 feet  
2                   to Sperry. Yeah, I didn't keep going in the  
3                   diagram, but I just put in the wood line, but it  
4                   keeps going all the way to Sperry.

5                   MS. OSBORN:                   All the way to  
6                   Sperry?

7                   MRS. MIKASH:                   Yeah, for about  
8                   700 feet.

9                   MS. OSBORN:                   Oh, okay.

10                  CHAIRMAN GOKORSCH:       Any other  
11                  questions relative to this shed?

12                  VICE CHAIR BOUCHEK:     Well, here's our  
13                  exhibits.

14                  CHAIRMAN GOKORSCH:     Yeah, can I  
15                  borrow this back? This is the real one.

16                  VICE CHAIR BOUCHEK:     Can you come up  
17                  and draw on here where this fenced-in chicken  
18                  area is?

19                  CHAIRMAN GOKORSCH:     You have the  
20                  pictures.

21                  VICE CHAIR BOUCHEK:     Can you show  
22                  that?

23                  MR. MIKASH:               Yes.

24                  VICE CHAIR BOUCHEK:     All right, so  
25                  this is a fenced-in area which is removed from

1 the house; right?

2 CHAIRMAN GOKORSCH: Shouldn't that be  
3 shown on these pictures?

4 MRS. MIKASH: Yeah, I think  
5 that should be.

6 CHAIRMAN GOKORSCH: I can barely see  
7 it. It's a little bit blocked.

8 MRS. MIKASH: Yeah.

9 CHAIRMAN GOKORSCH: How big is this  
10 pen?

11 MR. MIKASH: It's roughly  
12 probably 15 by 25.

13 VICE CHAIR BOUCHEK: Fifteen (15) by  
14 25 and then how much room between the pen and  
15 the house?

16 MR. MIKASH: Maybe 12 feet,  
17 yeah.

18 MRS. MIKASH: Probably 12.

19 MR. MIKASH: I think 12 to 15  
20 feet maybe.

21 VICE CHAIR BOUCHEK: Okay. So there  
22 may be a possibility you may be able to put a  
23 shed there?

24 MRS. MIKASH: It's possible if  
25 I can just pitch in here. It would be more

1 visible on that side than it would be where  
2 we're proposing it. So to the right of our  
3 driveway is fully wooded. We've cleared nothing  
4 on that side.

5 CHAIRMAN GOKORSCH: I've got to stop  
6 you please. Could you please identify yourself  
7 and your address?

8 MRS. MIKASH: Oh, I'm Sarah  
9 Mikash, 13640 Heath Road.

10 CHAIRMAN GOKORSCH: And have you been  
11 sworn in?

12 MRS. MIKASH: Yes.

13 CHAIRMAN GOKORSCH: Okay. Go ahead  
14 please.

15 MRS. MIKASH: So we just sort  
16 of selected this because of the topography and  
17 all those things that they talked about, but  
18 also because it would be the least visible to  
19 anybody driving by in the neighborhood. It  
20 would be tucked into the woods to where we're  
21 proposing to put it. If we put it on the  
22 left-hand side, it would be far more visible.

23 It's also sloped over there, so we  
24 would have some difficulty getting a level spot  
25 on that side.

1                   MR. MIKASH:                   And how the  
2 drainage goes.

3                   MRS. MIKASH:                  Yeah, there's a  
4 swale on that side of the house, so that's --

5                   MR. MIKASH:                  It's kind of a  
6 low area that kind of follows the drainage  
7 line --

8                   (Court reporter interrupted she could  
9 not hear.)

10                  MR. MIKASH:                  -- which is why  
11 we're running it away from the house. Do you  
12 want me to go back to the mic?

13                  CHAIRMAN GOKORSCH:        Yes please.

14                  MR. MIKASH:                  So there's -- to  
15 the right side of the house, there's a swale or  
16 I'm sorry, the left side of the house, there's a  
17 swale with an excavating point and the curtain  
18 drain that goes between the house and the septic  
19 field. So the swale diverts around the house  
20 and connects to the septic and the curtain  
21 drain which is kind of a big arch that goes  
22 through.

23                  CHAIRMAN GOKORSCH:        To be clear,  
24 there's a swale on the south side of the house?

25                  MR. MIKASH:                  Correct, yes.

1                   MR. MCGRIEVY:                   And that connects  
2                   to the septic?

3                   MR. MIKASH:                   Well, it's a  
4                   curtain drain in front of the septic to try and  
5                   keep water from sitting on the surface.

6                   VICE CHAIR BOUCHEK:   Well, was this  
7                   one that he, you know, submitted or did he  
8                   change it?

9                   CHAIRMAN GOKORSCH:    Yeah.

10                  VICE CHAIR BOUCHEK:   Okay. All right.  
11                  So can you come up again please? I'm still  
12                  trying to understand this whole thing. So this  
13                  is the property here, correct?

14                  MR. MIKASH:               Yes.

15                  VICE CHAIR BOUCHEK:   Okay. And in  
16                  reference to the property next door, where is  
17                  your house located? Is it in line with this?

18                  MR. MIKASH:               No. So this is  
19                  actually -- this doesn't show up on the lot  
20                  here. This is Sperry Road up here. That's  
21                  where this house is as it's showing. Okay. Our  
22                  house is probably, to an extent, somewhere up  
23                  here.

24                  VICE CHAIR BOUCHEK:   Okay. Well, it's  
25                  280 feet back, according to this?

1                   MR. MIKASH:                   Yeah. So our  
2 house is -- if this continued, our house is up  
3 here somewhere. So our frontage is underneath  
4 this frontage on Sperry.

5                   CHAIRMAN GOKORSCH:       This exhibit  
6 doesn't show your house at all to this?

7                   VICE CHAIR BOUCHEK:       No, because he  
8 stated it's past this.

9                   CHAIRMAN GOKORSCH:       Did you supply  
10 this?

11                  MR. MIKASH:               No, I think it's  
12 Shane.

13                  INSPECTOR WRENCH:       We're looking at  
14 the topography from 2021. 2021 is the most  
15 updated.

16                  VICE CHAIR BOUCHEK:       Okay. Do we have  
17 one that shows the entire property?

18                  MR. MIKASH:               I've got it. I  
19 don't know if you've got it. If you've got it,  
20 you can put it up there. Okay.

21                  VICE CHAIR BOUCHEK:       Yeah, if you have  
22 an aerial of the entire property?

23                  MR. MIKASH:               No.

24                  INSPECTOR WRENCH:       Here you go.

25                  MR. MIKASH:               If you're looking

1 at where that house sits, you can actually see  
2 that there's an easement right here for that  
3 person to walk, the garage is here, and our  
4 house is probably up there, and there's a  
5 driveway that comes up to the east or to Sperry.

6 MR. MCGRIEVY: So I'd like to  
7 have him draw it on here. We should really draw  
8 the joint property, house, building, line.  
9 That's what I'm saying.

10 MR. MIKASH: Well, I would say  
11 it would be this.

12 CHAIRMAN GOKORSCH: That's the same  
13 one.

14 VICE CHAIR BOUCHEK: Is this the next  
15 door?

16 CHAIRMAN GOKORSCH: No, this is the  
17 same as this one. This is the Heath side  
18 property.

19 MR. MIKASH: It's rough, but  
20 that's more or less where things have to be. If  
21 we put a shed on the other side from what we're  
22 proposing, it would be more visible to the house  
23 where this can actually obscure --

24 MR. DOWNING: Shane, is this  
25 his house?



1                   MR. MIKASH:                   From that house,  
2                   yes.

3                   CHAIRMAN GOKORSCH:       Now there's 150  
4                   feet of forest between the two of them though,  
5                   right?

6                   MR. MIKASH:                   Yes.

7                   CHAIRMAN GOKORSCH:       Yeah, so the  
8                   visibility from his house would be nominal  
9                   whereas the visibility from the street --

10                  VICE CHAIR BOUCHEK:       Yeah, I guess  
11                  what I wanted him to show was --

12                  CHAIRMAN GOKORSCH:       -- is obvious.  
13                  This is the garage right here. The driveway  
14                  comes up, and here's the garage.

15                  MS. MULLOY:                  Okay. Is there  
16                  any reason you couldn't put the shed between the  
17                  path on the north side of the line?

18                  (Court Reporter interrupted she could  
19                  not hear.)

20                  MS. MULLOY:                  That what we're  
21                  looking at would at least be one over here?

22                  MR. MIKASH:                  There are trees  
23                  we'd have to cut down and we'd have to grade  
24                  that whole area, because it slopes to try to  
25                  make it flat.

1                   MR. MCGRIEVY:               Is there a swale  
2                   on that side also?

3                   CHAIRMAN GOKORSCH:       Mark, we have an  
4                   exhibit up here, you haven't seen this, and I  
5                   think it shows all four corners. This actually  
6                   shows a topo behind the house and it shows the  
7                   swale to the north.

8                   VICE CHAIR BOUCHEK:       Is this your  
9                   copy?

10                  MR. MIKASH:                Yes.

11                  INSPECTOR WRENCH:        It's from the  
12                  house.

13                  VICE CHAIR BOUCHEK:       Okay. We would  
14                  like to add that as an exhibit for this time  
15                  around too; is that possible?

16                  INSPECTOR SHANE:         Certainly.

17                  MR. DOWNING:             You can pull in  
18                  anything you want.

19                  MS. MULLOY:             So there's a  
20                  drop-off on the north side too?

21                  MR. MIKASH:             Yes.

22                  MS. MULLOY:             Between the  
23                  garage and the other property?

24                  MR. MIKASH:             Yeah, we slope to  
25                  Sperry and then towards the property to the

1 east.

2 INSPECTOR WRENCH: And Nicole, that  
3 was originally why Carmela [phonetic] asked that  
4 it be shifted a little bit to get that -- which  
5 I included in the paperwork, to get that swale  
6 in there for just that purpose.

7 MR. DOWNING: Here's one that's  
8 for three, four houses.

9 CHAIRMAN GOKORSCH: Pull it over to  
10 me and let me see it and I'll give it to you.

11 MR. DOWNING: All right.

12 CHAIRMAN GOKORSCH: All right.  
13 Here's Exhibit A and Exhibit A Amended. And  
14 then we have Exhibit B which is three  
15 photographs from Sperry Road.

16 MRS. MIKASH: From Heath Road.

17 CHAIRMAN GOKORSCH: From Heath Road.  
18 And then we have Exhibit C, which is the Lot  
19 Improvement Plan showing the apron of the house  
20 on Sperry. Exhibit D, the Lot Improvement Plan.  
21 And this is what, an A-size property, B-size  
22 property is or what is this?

23 MR. MCGRIEVEY: It should be D,  
24 right?

25 CHAIRMAN GOKORSCH: Okay. One, two,

1 three, four.

2 VICE CHAIR BOUCHEK: Okay. Before we  
3 go on, the shed is 16 feet wide and 10 feet  
4 deep. The entry to the shed is on the long  
5 side?

6 MR. MIKASH: Well, on the wide  
7 side.

8 VICE CHAIR BOUCHEK: Okay. And I'm  
9 assuming that you're putting the shed right up  
10 to where the driveway is?

11 MR. MIKASH: There's about a  
12 four-foot gap, because we put a small ramp for  
13 the driveway. It'll be like a little wooden --  
14 because it sets up on feet, I don't know, six  
15 inches.

16 VICE CHAIR BOUCHEK: And you can't  
17 place the shed right against the side of the  
18 driveway?

19 MR. MIKASH: No. Well, we  
20 could, but we'd have to excavate out and put in  
21 a pad and we're just filling the top with  
22 gravel.

23 VICE CHAIR BOUCHEK: Wouldn't it be  
24 better for getting stuff in and out to have it  
25 right up against the driveway?

1                   MR. MIKASH:                   Well, it's a  
2                   little ramp. It's about a four-foot ramp to the  
3                   bottom of it to solve that. So basically roll  
4                   on the driveway, right up the ramp, and into the  
5                   shed.

6                   VICE CHAIR BOUCHEK:    Would you object  
7                   to putting it right up against the driveway so  
8                   we would increase the side yard setback another  
9                   four feet?

10                  MR. MIKASH:                  We think it would  
11                  necessitate excavating out and putting up a  
12                  lower pad.

13                  VICE CHAIR BOUCHEK:    Say that again.

14                  MR. MIKASH:                  That would have  
15                  to necessitate us actually excavating it out, so  
16                  that it sat lower to be level with the driveway.

17                  VICE CHAIR BOUCHEK:    Okay.

18                  MR. MIKASH:                  Which I'd prefer  
19                  not to do when we're right on top of the edge of  
20                  the driveway there. I would prefer not to have  
21                  to do the excavation that way.

22                  CHAIRMAN GOKORSCH:    Give me a second.  
23                  I want to see the topo and Shane, these  
24                  different-sized papers are really fun to work  
25                  with. There you go. There you go. Okay, we

1 got a total line of 153. We got a total line of  
2 151. So we have two feet, yeah, two feet. We  
3 got a two-foot drop.

4 MR. MCGRIEVY: Steve, to be  
5 clear, that's a two-foot drop off the side of  
6 the driveway?

7 CHAIRMAN GOKORSCH: A two-foot drop  
8 to the north off the side of the driveway.

9 VICE CHAIR BOUCHEK: So you had just  
10 indicated you have a retaining wall on the topo  
11 to get the pad level to the garage?

12 MR. MIKASH: Well, below the  
13 slope with this open mound. I'm not sure. I  
14 can't see that on the photo.

15 VICE CHAIR BOUCHEK: Well, it's shown  
16 on here. We have the retaining wall coming  
17 forward.

18 MR. MIKASH: There is no  
19 retaining wall.

20 VICE CHAIR BOUCHEK: There is no  
21 retaining wall; so how were you able to get  
22 this?

23 MR. MIKASH: They just did  
24 some earth-moving and pushed a lot of holes in  
25 to excavate it out. You can't get this mound

1           apart here. So there's no retaining wall here.  
2           There is a retaining wall on the edge right  
3           here, which is just like two courses of  
4           limestone. This is kind of -- I don't know. It  
5           just kind of slopes away from the wall.

6                   CHAIRMAN GOKORSCH:     Okay. And on  
7           this drawing, there's the garage, and the shed,  
8           and you're planning on putting it where?

9                   MR. MIKASH:             Right here.

10                  CHAIRMAN GOKORSCH:     I'll let you draw  
11           it in.

12                  MR. MIKASH:             Something roughly  
13           like that.

14                  MR. MCGRIEVY:          You need him to  
15           sign and date that, Steve.

16                  CHAIRMAN GOKORSCH:     Yep. We've got a  
17           bunch -- we've got a lot of work to do.

18                  MS. OSBORN:            Could I have a  
19           look at the paper and the sheet?

20                  CHAIRMAN GOKORSCH:     Surely.

21                  VICE CHAIR BOUCHEK:    Have you been  
22           sworn in?

23                  MS. OSBORN:            Yes.

24                  CHAIRMAN GOKORSCH:     She has not been  
25           sworn in.

1 MS. OSBORN: I'm Sandy Osborn.  
2 13685 Sperry. You can swear me in. Thank you.

3 SANDY OSBORN  
4 of lawful age, being first duly sworn, as hereinafter  
5 certified, was sworn in by the Chairman.

6 MS. OSBORN: I just wanted to  
7 look at the topography and see where this is.

8 CHAIRMAN GOKORSCH: To be clear, this  
9 might not be easy for you, but you have to see  
10 this. This is the position of the new shed he's  
11 asking for. This is the position of the  
12 existing pad driveway. The front yard is  
13 straight forward, because this is the front of  
14 the house. The sideline issue is the closeness  
15 to the side on the north side.

16 MR. RODE: This is the north  
17 side; correct?

18 CHAIRMAN GOKORSCH: This is the  
19 north.

20 MR. RODE: I'm John Rode and  
21 the property owner of this property here. I  
22 have a cottage that fits in about several  
23 hundred feet away.

24 MR. MCGRIEVEY: And we can't talk  
25 over each other, so the court reporter can take



1           it down.

2                   CHAIRMAN GOKORSCH:       Thank you.

3                   MR. RODE:                   And my comments  
4           are I feel like I know this property and this  
5           area very well as a kid. And this is the  
6           logical place for it in my opinion, because as I  
7           see it in my property zone here, the more it  
8           gets down there, the more I'm going to look at  
9           that. The more I see this, it's going to be  
10          blocked by more trees and I think Nick talked  
11          about that.

12                   I also know just the slopiness of the  
13          land is deceptively slopey as a person who just  
14          put in his shed a couple months ago. So having  
15          a setback away from where and how you ramp it is  
16          really important to maintain the ventilation  
17          underneath the shed and it makes sense.

18                   So as I see it, just from my personal  
19          sense, if my cottage is over here, I'd see it  
20          more this way, because I know how the trees line  
21          up. There's more trees between this --

22                   CHAIRMAN GOKORSCH:       Very good  
23          information, Mr. Rode. As a neighbor, do you  
24          think that this would be in harmony to the  
25          neighborhood?

1 MR. RODE: No, not at all.

2 CHAIRMAN GOKORSCH: It would not be  
3 in harmony?

4 MR. RODE: Oh, it would be  
5 in harmony. I heard harm. Yes.

6 CHAIRMAN GOKORSCH: It would not be a  
7 detriment to the neighborhood?

8 MR. RODE: It would not be a  
9 detriment.

10 CHAIRMAN GOKORSCH: Are you aware of  
11 other properties nearby which may have similar  
12 sheds?

13 MR. RODE: I have a shed but  
14 no. I also appreciate that he is blending the  
15 color with the house, because the house color is  
16 very dark and especially this time of year when  
17 things stand out, it really doesn't stand out  
18 that much. It's a beautiful house, but it's not  
19 glaring. So the shed will just blend right in.  
20 So I'm not worried at all.

21 CHAIRMAN GOKORSCH: Thank you, Mr.  
22 Rode. Did you give the court reporter your  
23 address?

24 MR. RODE: Oh, 13570 Heath.  
25 Thank you.

1                   MR. DOWNING:               I need the  
2                   pictures back.

3                   CHAIRMAN GOKORSCH:       You can get the  
4                   whole thing back.

5                   VICE CHAIR BOUCHEK:      I apologize, but  
6                   one more question.

7                   MR. MIKASH:                Sure.

8                   VICE CHAIR BOUCHEK:      You just recently  
9                   built a home and it appears from the photos that  
10                  you haven't done any extensive landscaping.

11                  MR. MIKASH:               I wish I had more  
12                  time, but we had moved in in August and the day  
13                  the tornados came through was moving day for us.

14                  VICE CHAIR BOUCHEK:      Okay. But you  
15                  are planning on eventually doing some  
16                  landscaping, correct?

17                  MR. MIKASH:               Absolutely.  
18                  That's correct.

19                  VICE CHAIR BOUCHEK:      Okay. Are you  
20                  planning on screening your concrete driveway  
21                  pad, or maybe possibly screening the shed?

22                  MR. MIKASH:               I currently have  
23                  three seven-foot balled and burlapped white  
24                  pines in my driveway, so if you'll recall,  
25                  balled white pines could just screen that all

1 with trees. As soon as I can get out there, I  
2 will do it, but we probably have about 12 to 15  
3 small trees already. My intention is to fill  
4 the whole front and backyard with trees.

5 It will be extensive screening. Here  
6 you see the grassland pictures. I cut the grass  
7 down to about three feet. I only want the house  
8 screening to be rewarding.

9 MR. MCGRIEVY: Is there going to  
10 be lighting in the shed?

11 MR. MIKASH: No.

12 MR. MCGRIEVY: No electricity?

13 MR. MIKASH: No.

14 CHAIRMAN GOKORSCH: No electricity,  
15 no lighting, no plumbing, but it will be  
16 screened?

17 MR. MIKASH: Correct.

18 VICE CHAIR BOUCHEK: Okay. A little  
19 housekeeping here. There's two different  
20 variances here. One is for the structure in the  
21 front yard and the other is for the side yard  
22 setback. We have heard testimony that the shed  
23 will be 12 feet off the property line; okay.

24 So that according to this paperwork  
25 would be an additional 23 feet and not 25 feet

1           for a 10 foot side yard; Is that correct?

2                   MR. MIKASH:                   Correct.

3                   VICE CHAIR BOUCHEK:    Okay. So the  
4           request -- and I'm assuming you're in agreement,  
5           You're amending your request for a 12-foot side  
6           yard request, not 10 feet --

7                   MR. MIKASH:                   Yeah.

8                   VICE CHAIR BOUCHEK:    -- based on all  
9           the paperwork in the documents? Okay.

10                  MR. MIKASH:                   (Nodding yes.)

11                  CHAIRMAN GOKORSCH:       Did the recorder  
12           catch that?

13                  COURT REPORTER:           Yes.

14                  MR. DOWNING:               So the new number  
15           is 12 feet?

16                  CHAIRMAN GOKORSCH:       The new number is  
17           12 feet from 10 feet. Okay. Any other  
18           questions from the Board on the side lot of the  
19           shed location?

20                  MS. OSBORN:                What was the  
21           second variance for?

22                  VICE CHAIR BOUCHEK:       I move that we  
23           close the public hearing for --

24                  MR. MCGRIEVY:             There's a  
25           question on the floor.

1 VICE CHAIR BOUCHEK: I'm sorry.

2 MS. OSBORN: What was the  
3 second variance for?

4 CHAIRMAN GOKORSCH: The second  
5 variance is for a side lot variance from the  
6 shed to the north property --

7 MS. OSBORN: Okay.

8 CHAIRMAN GOKORSCH: -- which is 12  
9 feet.

10 MS. OSBORN: And the first  
11 variance then, what was that for?

12 CHAIRMAN GOKORSCH: The first request  
13 was to install in the front yard a shed.

14 MS. OSBORN: Oh, okay. It's  
15 all the same.

16 MR. MCGRIEVY: Well, no.

17 VICE CHAIR BOUCHEK: No, it's two  
18 variances.

19 CHAIRMAN GOKORSCH: It seems the same  
20 to you. I understand. They're different  
21 essentially. All right.

22 MS. OSBORN: Thank you.

23 VICE CHAIR BOUCHEK: So now I move we  
24 close the public hearing for variance request  
25 #567.

1 MS. MULLOY: I'll second.  
2 CHAIRMAN GOKORSCH: All in favor?  
3 VICE CHAIR BOUCHEK: Aye.  
4 MR. DOWNING: Aye.  
5 MR. MCGRIEVY: Aye.  
6 MS. MULLOY: Aye.  
7 CHAIRMAN GOKORSCH: Aye. Okay. We  
8 have some exhibits to put in here.  
9 MS. MULLOY: I like the term  
10 deceptively sloped in the back.  
11 CHAIRMAN GOKORSCH: Do you want me to  
12 have him sign these, because we didn't -- this  
13 wasn't in the packet? This I guess wasn't.  
14 VICE CHAIR BOUCHEK: No, none of those  
15 were in the packet.  
16 CHAIRMAN GOKORSCH: Okay. So he's  
17 going to come up and sign and date all of these.  
18 These are all different to us.  
19 MS. OSBORN: Can I ask one  
20 other question?  
21 CHAIRMAN GOKORSCH: Why don't you  
22 come forward and sign and date these?  
23 MS. OSBORN: Who enforces --  
24 who double-checks that this is in compliance --  
25 CHAIRMAN GOKORSCH: Sign and date.

1 MS. OSBORN: -- to be  
2 complicit to make sure that this is what  
3 happened?

4 MR. MCGRIEVY: Shane does.

5 CHAIRMAN GOKORSCH: Yeah, so this is  
6 the new one. The old one we have. So this is  
7 the new one. This is the old one. I just had  
8 the amended one, sign that too.

9 MR. MIKASH: I don't think my  
10 pen works.

11 CHAIRMAN GOKORSCH: It's all right,  
12 here.

13 MR. MIKASH: Neither does  
14 yours.

15 (Ms. Guyer gave Mr. Mikash a pen.)

16 MR. MIKASH: It's working so  
17 far.

18 MR. DOWNING: Mr. Chairman,  
19 I'll move that we accept Exhibit A as amended  
20 pursuant to Appeal #567. That shows the site  
21 plan of the property with the side yard  
22 clearance amended to be 12 feet.

23 CHAIRMAN GOKORSCH: That's already in  
24 there. It's all good. It's in the packet.

25 MR. DOWNING: Would you like to



1 put it in?

2 CHAIRMAN GOKORSCH: We can just leave  
3 it. It's already in the packet of #567.

4 MR. DOWNING: Exhibit B are  
5 three photographs delineating the site  
6 appearance from what appears to be the street  
7 towards the front of the house, showing from  
8 different angles pursuant to changes in the  
9 driveway. I'll move we accept the three  
10 photographs as exhibits.

11 MR. MCGRIEVY: I'll second.

12 CHAIRMAN GOKORSCH: Let's do all the  
13 exhibits first.

14 MR. DOWNING: Exhibit C is a  
15 Lot Improvement Site Plan and on a smaller  
16 layout, 8 1/2 by 11. And Exhibit D is a Lot  
17 Improvement Site Plan. It is a very large  
18 drawing, several feet in each direction.

19 CHAIRMAN GOKORSCH: We've got one  
20 more. Then this will be Exhibit E.

21 MR. DOWNING: Exhibit E the  
22 photographs of the proposed structure showing  
23 the frontal and side views of it. That's  
24 Exhibit E. All in favor?

25 MR. MCGRIEVY: I'll second the

1 motion. All in favor?

2 VICE CHAIR BOUCHEK: Aye.

3 MR. DOWNING: Aye.

4 MR. MCGRIEVY: Aye.

5 MS. MULLOY: Aye.

6 CHAIRMAN GOKORSCH: Aye. Okay.

7 VICE CHAIR BOUCHEK: Thank you.

8 CHAIRMAN GOKORSCH: All right. Those  
9 are in. Let's go through the Duncan Factors  
10 here. "Whether the property in question will  
11 yield a reasonable return or whether there can  
12 be any beneficial use of the property without  
13 the variance." I think the answer is yes.

14 "Whether the variance is substantial."

15 MR. MCGRIEVY: Yes,  
16 approximately 66%.

17 CHAIRMAN GOKORSCH: 66% it is  
18 substantial. "Whether the essential character  
19 of the neighborhood would be substantially  
20 altered or whether adjoining properties would  
21 suffer a substantial detriment as a result of  
22 the variance."

23 MR. MCGRIEVY: We had testimony  
24 from a neighbor that it would not be detrimental  
25 to the neighborhood based on the positioning of

1 the house and the trees that are screening the  
2 current house and the potential shed.

3 CHAIRMAN GOKORSCH: "D: Whether the  
4 variance would adversely affect the delivery of  
5 governmental services." No testimony was given.  
6 "E: Whether the property owner purchased the  
7 property with the knowledge of the zoning  
8 restriction." I need to look at the  
9 application.

10 (Court reporter interrupted she can't  
11 hear.)

12 VICE CHAIR BOUCHEK: I'd be assuming  
13 the property owner knew based on the fact he  
14 built a new home.

15 CHAIRMAN GOKORSCH: "Whether the  
16 property owner's predicament feasibly can be  
17 obviated through some method other than a  
18 variance."

19 MR. MCGRIEVY: You want the  
20 list?

21 CHAIRMAN GOKORSCH: Just a few of  
22 them. Topography is number one.

23 MR. MCGRIEVY: No, based on the  
24 topography of the house, which there was  
25 testimony from the neighbor that it was

1 a deceptively sloped property. The location of  
2 the septic tanks to the south of the house and  
3 to the rear of the house of the leach field,  
4 which I believe would be, I guess, the west of  
5 the house slopes off the side of the driveway  
6 and the area of the topography that we looked at  
7 would not allow it to be moved closer to the  
8 driveway as pointed out.

9 CHAIRMAN GOKORSCH: I think that's  
10 sufficient. All right. "G: Whether the spirit  
11 and intent behind the zoning requirement would  
12 be observed and substantial justice done by  
13 granting the variance." I think yes. We will  
14 have a roll call vote. Any other criteria  
15 should we include in H here? Is there anything  
16 else we want to include?

17 MR. MCGRIEVY: The applicant  
18 also indicated in the application that he would  
19 be painting the shed the color of the house. We  
20 had testimony from the neighbor that it was  
21 appreciative of that since it blended well with  
22 the house. So I think that is an important  
23 consideration.

24 CHAIRMAN GOKORSCH: He noted that it  
25 would be landscaped?

1 VICE CHAIR BOUCHEK: Yes.

2 CHAIRMAN GOKORSCH: No outside

3 exterior lighting, no plumbing.

4 MR. MCGRIEVY: Correct.

5 CHAIRMAN GOKORSCH: Okay. Anything

6 else here before we accept the motion?

7 VICE CHAIR BOUCHEK: All right. Mr.

8 Chairman, I move that we approve two variances

9 for a new shed at 13640 Heath Road. One

10 variance is for an accessory structure in the

11 front yard, and the other variance is for a

12 12-foot side yard setback from the north

13 property line.

14 MR. DOWNING: I'll second it.

15 CHAIRMAN GOKORSCH: Okay. Roll call

16 vote, please.

17 MS. GUYER: Mr. Gokorsch?

18 CHAIRMAN GOKORSCH: I'll go last.

19 MS. GUYER: I'll go last.

20 All right. Mr. Boucek?

21 VICE CHAIR BOUCHEK: Yes.

22 MS. GUYER: Mr. McGrievy?

23 MR. MCGRIEVY: Yes.

24 MS. GUYER: Mr. Downing?

25 MR. DOWNING: Yes.

1 MS. GUYER: Ms. Mulloy?

2 MS. MULLOY: Yes.

3 MS. GUYER: Mr. Gokorsch?

4 CHAIRMAN GOKORSCH: Yes. Okay.

5 Thank you very much for coming in. It would  
6 have really helped, I'll be honest with you, if  
7 we had had the topo map with the detailed  
8 drawings ahead of time. We all, at least I  
9 think most of us here, we go through this and  
10 read these things over the weekend, and so we  
11 come in and we pretty much know the lay of the  
12 land.

13 Part of tonight's, you know, rigmarole,  
14 if you will, was -- it wasn't clear to me  
15 anyhow, it wasn't clear what exactly you were  
16 looking for and why; all right? So I just want  
17 to tell you that in the future if you happen to  
18 ask for any variances, providing all that  
19 information, you know, really, really helps.

20 MR. MIKASH: Okay.

21 CHAIRMAN GOKORSCH: All right. This  
22 won't be official. Someone can contest it  
23 within the next 30 days when we have the minutes  
24 of this meeting, you know, posted. Otherwise,  
25 enjoy your shed.

1 MR. MIKASH: Thank you.

2 CHAIRMAN GOKORSCH: All right. We've  
3 got some other business to do. If you want to  
4 just move into the minutes of June 10th, folks.  
5 All right. All right. Let's review the  
6 minutes. I mentioned this earlier. I think for  
7 the June 10th minutes, one of the things we can  
8 do to really facilitate things, right, is to use  
9 the abbreviated two-page version, which I'm  
10 looking for here, but I can't seem to find it.

11 Bonnie, do I have the abbreviated  
12 version? I hate to say this, folks, but this is  
13 not in the format, although the content is  
14 correct, this is right where we are, but we  
15 don't want to use this.

16 MR. MCGRIEVY: All right. We  
17 want to use that as the basis for reviewing the  
18 transcript today. All right. I don't know  
19 which one, I apologize, so which one are we  
20 looking at then, October 7th or June 10th?

21 CHAIRMAN GOKORSCH: June 10th.

22 VICE CHAIR BOUCHEK: June 10th.

23 MR. MCGRIEVY: So June 10th we  
24 had a pretty extensive one.

25 CHAIRMAN GOKORSCH: We can review if

1           you want, folks, the extensive one that is  
2           rectified on June 10th.

3                   VICE CHAIR BOUCHEK:     Let's do that and  
4           we'll see where we go.

5                   MR. MCGRIEVY:           I think at this  
6           point, we should just review it.

7                   VICE CHAIR BOUCHEK:     Yeah.

8                   CHAIRMAN GOKORSCH:     All right. June  
9           10th. This is the copy of the extensive one.

10                  VICE CHAIR BOUCHEK:     Eight pages.

11                  CHAIRMAN GOKORSCH:     Eight pages.  
12           Let's review it. I think many of us have  
13           reviewed this already.

14                  MS. MULLOY:            We need one more  
15           zero on 10,000 square feet.

16                  MS. GUYER:            I'm sorry, I  
17           didn't hear you.

18                  MS. MULLOY:            We need one more  
19           zero on 10,000 square feet.

20                  MS. GUYER:            Oh, okay.

21                  MR. MCGRIEVY:         So on the first  
22           bullet point; do you see that?

23                  MS. GUYER:            Yes, I see that.  
24           Thank you.

25                  VICE CHAIR BOUCHEK:     Right in the



1 middle of the page, Vice Chairman Mr. Boucek,  
2 B-o-u-c-h-e-k.

3 CHAIRMAN GOKORSCH: Any other  
4 comments on page one? Page two.

5 MR. MCGRIEVY: The bottom of the  
6 page, was that the occupancy load to that  
7 building?

8 VICE CHAIR BOUCHEK: No, that's the  
9 answer for the occupancy of any building.

10 CHAIRMAN GOKORSCH: Any other  
11 comments on page two?

12 MR. DOWNING: What's the yellow  
13 line for, see the yellow line there?

14 CHAIRMAN GOKORSCH: Yeah. Well, that  
15 was, I guess, a go-do that we have to make sure  
16 that we get that approval from before we go  
17 ahead with the soil and water for the septic.

18 MR. DOWNING: Okay.

19 CHAIRMAN GOKORSCH: On page three?

20 MS. MULLOY: The second full  
21 sentence at the top, it says, "As a Board, we  
22 have seen an expansion of this site during the  
23 Covid years where new facilities were in so  
24 understand what our concern is." Again, is that  
25 supposed to be a different word?

1                   CHAIRMAN GOKORSCH:     Yeah, that should  
2                   be a different word added.  These were the  
3                   yurts.  You miss the yurts.

4                   MS. MULLOY:                I miss the yurts.

5                   CHAIRMAN GOKORSCH:     Added, y-u-r-t-z  
6                   I think.

7                   MR. MCGRIEVY:            S.

8                   CHAIRMAN GOKORSCH:     Or s.  As an  
9                   aside, during the Covid years, they installed  
10                  three yurts, three, like, exterior tent things  
11                  on pads, so that the students could meet there  
12                  and not be all together.

13                  MR. MCGRIEVY:            I think the Vice  
14                  Chairman loves page three, I'm sorry.

15                  CHAIRMAN GOKORSCH:     You know, at the  
16                  end of the bottom paragraph where you asked  
17                  about the class sizes, the statement, "Now there  
18                  is no single class whereas three, four, or five  
19                  cannot be larger than 36 children to a room,"  
20                  did they mean class three, four, or five or  
21                  grades three, four, or five?

22                  MR. MCGRIEVY:            I think they mean  
23                  grades.

24                  MS. MULLOY:               Grades.

25                  CHAIRMAN GOKORSCH:     Grades three,

1 four, or five. So it is, "Now there's no single  
2 class, grades three, four, or five, that cannot  
3 be larger than 36 children to a room."

4 VICE CHAIR BOUCHEK: Correct. That's  
5 what it should read.

6 CHAIRMAN GOKORSCH: Anything else on  
7 three, Mr. Boucek?

8 VICE CHAIR BOUCHEK: No.

9 CHAIRMAN GOKORSCH: On four, Shane,  
10 noted by the noise, did we ever get anything  
11 relative to the decibel levels?

12 VICE CHAIR BOUCHEK: Yes, we did.

13 INSPECTOR WRENCH: We did, yes. We  
14 had a breakdown seen on there.

15 CHAIRMAN GOKORSCH: Okay, good.

16 VICE CHAIR BOUCHEK: He did it on  
17 decibel studies.

18 MS. MULLOY: Dushan, when you  
19 were talking about the stormwater, it just says  
20 storm?

21 VICE CHAIR BOUCHEK: Where are you?  
22 Oh, seven. Oh, I guess it's storm drawings.

23 MS. MULLOY: Yes, storm  
24 drawings, not stormwater.

25 VICE CHAIR BOUCHEK: It should read --

1           it should add storm drainage drawings. I guess  
2           it's storm drainage drawings.

3                   MR. MCGRIEVY:                   And "is the  
4           stormwater going to the existing pond?" In the  
5           next bullet below that, I think the "if" right  
6           before BZA should be "as".

7                   CHAIRMAN GOKORSCH:           Or is outside us,  
8           right?

9                   MR. MCGRIEVY:                   I mean --

10                  VICE CHAIR BOUCHEK:           You said it  
11           backwards.

12                  MR. MCGRIEVY:                   I'll say "outside  
13           BZA as Gokorsch indicated just like septic."

14                  CHAIRMAN GOKORSCH:           Got it. Okay.  
15           Anything else on four? Moving on.

16                  VICE CHAIR BOUCHEK:           Okay. Can you  
17           really say there's a finite number on the  
18           campus? If she did, yeah.

19                  MR. MCGRIEVY:                   Okay. I think  
20           she meant finite number of cars if I recall  
21           correctly, because you guys had said young kids  
22           don't drive, so it's only teachers' cars.

23                  VICE CHAIR BOUCHEK:           They don't drive  
24           yet.

25                  CHAIRMAN GOKORSCH:           Okay. Until they

1 move to the other campus.

2 VICE CHAIR BOUCHEK: Yeah.

3 CHAIRMAN GOKORSCH: They did put up a  
4 sign that said, "This is the construction  
5 entrance"; did you notice that though?

6 MS. MULLOY: I saw that.

7 VICE CHAIR BOUCHEK: Yeah, they did,  
8 the following day after, but they were upset,  
9 because we were asking them about the driving  
10 and the kids. Yeah, we understood that they  
11 can't drive yet, but that may change, so they  
12 could -- I mean, the code is the code so.

13 CHAIRMAN GOKORSCH: All right. We've  
14 got the maintenance issue in here so. I did say  
15 there are no decibel restrictions, because there  
16 are not, which is a problem with our resolution.  
17 There are no -- we don't have any metric on  
18 decibel -- on noise, in the zoning regs.

19 VICE CHAIR BOUCHEK: That is correct.

20 CHAIRMAN GOKORSCH: I tried to get  
21 that.

22 VICE CHAIR BOUCHEK: Well, the people  
23 that write it understand that's it's not -- not  
24 that they put it in the book so.

25 CHAIRMAN GOKORSCH: Anything on five?

1 I'm good with five. On six, Shane, did you  
2 follow up on what was said to the Fire Chief in  
3 the off fire alarm system, audible tornado  
4 warning?

5 INSPECTOR WRENCH: Yes, I did get an  
6 e-mail from Pedron with the Chief and the  
7 forthcoming questions, so that stuff in --

8 CHAIRMAN GOKORSCH: I wasn't in the  
9 meeting, so are we going have an audible tornado  
10 warning there?

11 INSPECTOR WRENCH: I'd have to  
12 check. I know that he had dialogue with him  
13 back and forth and he answered all the Chief's  
14 questions.

15 CHAIRMAN GOKORSCH: Could you do that  
16 please? That's a big deal for a bunch of kids.

17 INSPECTOR WRENCH: Certainly.

18 CHAIRMAN GOKORSCH: Audible tornado  
19 warning on campus.

20 MR. MCGRIEVEY: I'm down on the  
21 first bullet point, "Riparian requirements were  
22 not in place about 20 years area" that should be  
23 ago.

24 CHAIRMAN GOKORSCH: I'm good, 20  
25 years ago.

1                   MR. MCGRIEVY:           Yeah, I think so.  
2           All right.

3                   VICE CHAIR BOUCHEK:    The riparian  
4           setback and requirements met, that we covered in  
5           our extended engagement, right, and we spent a  
6           certain amount of time on it, because it had be  
7           documented?

8                   CHAIRMAN GOKORSCH:    The old riparian  
9           setbacks were no good anymore, because of all  
10          the moving ground in there.

11                  VICE CHAIR BOUCHEK:    Yeah.

12                  CHAIRMAN GOKORSCH:    So there should  
13          be a new set in this packet showing what the  
14          riparian setbacks are and those were all agreed.

15                  VICE CHAIR BOUCHEK:    Yeah.

16                  MR. DOWNING:           Are you still on  
17          six?

18                  CHAIRMAN GOKORSCH:    I'm sorry, I'm  
19          done with six.

20                  MR. DOWNING:           So what's this  
21          "Riparian requirements were not in place about  
22          20 years area?"

23                  CHAIRMAN GOKORSCH:    Twenty (20) years  
24          ago.

25                  MR. DOWNING:           That's not what

1           it says.

2                   CHAIRMAN GOKORSCH:     I know. We  
3           changed that, 20 years ago, yeah. So 20 years  
4           ago, we didn't have that.

5                   MR. MCGRIEVY:           Number three, I  
6           think we need a yes after that, because there  
7           was testimony that it's not exceeding 25 percent  
8           of the total site.

9                   CHAIRMAN GOKORSCH:     Yes. I mean, yes.

10                  VICE CHAIR BOUCHEK:    On number six,  
11           "The main road is Fairmount Road, which is not  
12           for residential traffic," that's not really  
13           true.

14                  MR. MCGRIEVY:           That is a county  
15           road, I believe.

16                  CHAIRMAN GOKORSCH:     Yeah, that is a  
17           county road.

18                  VICE CHAIR BOUCHEK:    That is a county  
19           road?

20                  CHAIRMAN GOKORSCH:     It's not a  
21           residential road.

22                  MR. MCGRIEVY:           Yeah, I think the  
23           issue keeps coming up about that. For some  
24           reason, that site had another access to it --

25                  VICE CHAIR BOUCHEK:    It does.



1 MR. MCGRIEVY: -- voted by and  
2 that was like not supposed to be used or  
3 something, but they challenged it.

4 CHAIRMAN GOKORSCH: Yeah, on the  
5 other side, on the north side, there was an old  
6 road with a gate that could be used to access  
7 the site.

8 VICE CHAIR BOUCHEK: But that was  
9 demonstrated to the residents.

10 MR. MCGRIEVY: They said it's  
11 not being utilized and at Fairmount, I believe  
12 this is a county, almost positive this is a  
13 county road.

14 CHAIRMAN GOKORSCH: Yeah, Fairmount  
15 would be a county road.

16 MR. MCGRIEVY: Yeah, so that was  
17 a county road.

18 CHAIRMAN GOKORSCH: We're on seven.  
19 Anything else of the 12?

20 MR. MCGRIEVY: Should be e-k,  
21 "Do we admit exhibits?"

22 MS. MULLOY: "Vice-Chairman  
23 Bouch."

24 MR. MCGRIEVY: That's what we  
25 call him now. We call him Bouchy Boy.

1                   VICE CHAIR BOUCHEK:     You need to blame  
2                   the machine always.

3                   CHAIRMAN GOKORSCH:     Always blame the  
4                   machine.  It's always the machine that's going  
5                   to do it.  All right.  All right.  Anything else  
6                   on seven?  Okay.  Now we can have a motion?

7                   MR. MCGRIEVY:             New signs issued.

8                   CHAIRMAN GOKORSCH:     We can have a  
9                   motion to accept this.

10                  MR. MCGRIEVY:            I'll make a  
11                  motion to accept the minutes of June 10th of  
12                  2024 transcript.

13                  VICE CHAIR BOUCHEK:     I'll second.

14                  CHAIRMAN GOKORSCH:     All in favor?

15                  VICE CHAIR BOUCHEK:     Aye.

16                  MR. DOWNING:            Aye.

17                  MR. MCGRIEVY:           Aye.

18                  MS. MULLOY:            Aye.

19                  CHAIRMAN GOKORSCH:     Aye.  Okay.  All  
20                  right.  I'm going to sign this copy here and  
21                  give it to you.

22                  MR. MCGRIEVY:           Just note this,  
23                  it's not going to be a big deal, but June 10th,  
24                  2024, after the comma should be a space.

25                  CHAIRMAN GOKORSCH:     Guard this with

1 your life.

2 MS. GUYER: I will.

3 CHAIRMAN GOKORSCH: God, it's been a  
4 long time. Should we go on to October 7th,  
5 Bouch? I wasn't here, so it'll go quick. I  
6 don't seem to have a copy of those. I don't  
7 think I even have a copy, because I wasn't here.

8 MR. MCGRIEVY: Page two, I think  
9 he's talking about -- is it Mr. Pedron? He's  
10 with Vocon. So the stuff with Mr. Pedron in  
11 here on Page two?

12 VICE CHAIR BOUCHEK: Yeah.

13 MR. MCGRIEVY: I think it was  
14 part of the -- somehow it got blended with the  
15 bullet points that's also Laurel.

16 VICE CHAIR BOUCHEK: So we'll need to  
17 amend that.

18 MR. MCGRIEVY: Yeah, Mr. Pedron.

19 CHAIRMAN GOKORSCH: So what you're  
20 saying, Mark, is it wasn't Mr. Pedron, it was  
21 Laurel?

22 MR. MCGRIEVY: There's a link  
23 there, yes. I think we're going to have to  
24 revisit Variance #566. It's basically that --

25 VICE CHAIR BOUCHEK: So let me read

1 through this stuff on page three. So we have to  
2 move to page two -- there's something missing  
3 there.

4 MR. MCGRIEVY: Yeah.

5 VICE CHAIR BOUCHEK: It's  
6 traditionally Mr. Pedron. There's something  
7 missing there. I'm trying to figure out what's  
8 missing there.

9 CHAIRMAN GOKORSCH: There's something  
10 -- obviously, I wasn't there, missing between  
11 the first paragraph with the bullets,  
12 "Mr. Pedron: Previous documents were requested"  
13 and the second paragraph, "Additionally, Mr.  
14 Pedron," there's something obviously they noted  
15 that isn't there. Did you have a transcript of  
16 it?

17 MR. MCGRIEVY: Yeah. We have a  
18 transcript. I'm just thinking, Steve, for the  
19 purpose of the minutes, we probably don't --

20 MS. GUYER: I have the  
21 transcript if that helps.

22 MS. MCGRIEVY: This is a shorter  
23 version of this. We had discussions of them  
24 being here again and so forth. I don't think --  
25 at first I thought, okay, we need to introduce

1           why we're back here. "Ms. Klotz: Indicated  
2           conditions have been met, satisfying the  
3           conditional use permit."

4                       And then we go back on  
5           to Mr. Pedron providing documents. So  
6           Ms. Klotz is like floating out here, I guess.  
7           The first sentence on page two, I'm not sure  
8           where we're going. See where I am, I'm not  
9           making sense here, so that's where I can't  
10          connect it in my head.

11                     CHAIRMAN GOKORSCH:       You know, whether  
12          it's Ms. Klotz or Mr. Pedron doesn't matter,  
13          because what I'm hearing is Laurel provided,  
14          right? Laurel School indicated conditions have  
15          been met, satisfying the conditional use.  
16          Laurel School provided additional documents that  
17          had been requested, including Laurel provided  
18          acoustic information and, you know what I'm  
19          saying, all the bullets.

20                     I mean, Pedron and Klotz are the same,  
21          basically. He's a higher level. Right. So if  
22          you want to reword that to say that, that would  
23          make sense to me.

24                     MR. MCGRIEVY:            The way I'm  
25          reading it, it sounds like she's saying we met

1 the conditions, but then really he was saying  
2 how they met the conditions. So that's why I  
3 can't connect them all together.

4 VICE CHAIR BOUCHEK: Okay.

5 MR. MCGRIEVY: And maybe it  
6 could read, "Mr. Pedron explained previously  
7 documents were requested and have been obtained  
8 to include," that way, at least, they could get  
9 tied together. I mean, I know I'm making a big  
10 deal out of it, not to worry about it, but I  
11 just remember that, basically, he was saying  
12 that this is tied to that and that's what he was  
13 giving us.

14 VICE CHAIR BOUCHEK: Yeah. I can tie  
15 the list to this page.

16 MR. MCGRIEVY: Page three,  
17 you're going to need at the top of the second  
18 sentence, 9/25/200, I don't know what that is.

19 MS. GUYER: 2000.

20 MR. MCGRIEVY: Okay.

21 MS. MULLOY: The tenth bullet  
22 point, where it says, "The time of operation is  
23 restricted to" -- I think it's 7 a.m. to 10 p.m.

24 MR. MCGRIEVY: Correct.

25 MS. GUYER: But that's not

1           what's in the transcript. This is exactly  
2           what's in the transcript.

3                   MS. MULLOY:                   Is that right?

4                   MS. GUYER:                   Yeah, it was  
5           referring to, I believe, when groundskeepers and  
6           those kinds of things can go on. Yeah, because  
7           I went back and looked. That's exactly what it  
8           says in the transcript.

9                   CHAIRMAN GOKORSCH:       That's exactly  
10          why I don't want to use the transcript.

11                  VICE CHAIR BOUCHEK:       It needs to be  
12          corrected.

13                  MR. MCGRIEVY:               We can put in  
14          parenthesis ten p.m.

15                  CHAIRMAN GOKORSCH:       Yeah. We can  
16          change it here. It is in the letter. It says  
17          ten p.m. I just checked. So we corrected it  
18          subsequently, but correct the minutes.

19                  MR. MCGRIEVY:               Two bullet points  
20          down, Steve, the answer to one of your questions  
21          you asked about.

22                  CHAIRMAN GOKORSCH:       Yeah, I just, you  
23          know, thought of it.

24                  MR. MCGRIEVY:               Last bullet  
25          point, I think it should be not.

1 MS. GUYER: Shall not.

2 VICE CHAIR BOUCHEK: On the June 10th

3 should we list the attachment? Go back to that.

4 CHAIRMAN GOKORSCH: Oh, should we

5 note that there is a transcript?

6 VICE CHAIR BOUCHEK: Correct.

7 CHAIRMAN GOKORSCH: Yeah, we should.

8 On the June 10th minutes --

9 VICE CHAIR BOUCHEK: We need to list

10 that there is an attachment/transcript.

11 CHAIRMAN GOKORSCH: We're changing

12 gears here. I'm sorry. It's a good point. On

13 the June 10th minutes, we should note that a

14 transcript has been available for this

15 proceeding. As we should do for this one too.

16 MR. DOWNING: Probably need to

17 just put it in the minutes.

18 CHAIRMAN GOKORSCH: Put in the fact

19 that there was a transcript so we know.

20 VICE CHAIR BOUCHEK: Good.

21 CHAIRMAN GOKORSCH: Anything else?

22 Are you guys good with that? Then we'll move

23 on.

24 MR. MCGRIEVY: I'll make a

25 motion to approve the minutes of October 7th,



1           2024, as amended.

2                   VICE CHAIR BOUCHEK:     I'll second.

3                   CHAIRMAN GOKORSCH:     All in favor?

4                   VICE CHAIR BOUCHEK:     Aye.

5                   MR. DOWNING:             Aye.

6                   MR. MCGRIEVY:            Aye.

7                   MS. MULLOY:             Aye.

8                   CHAIRMAN GOKORSCH:     Aye. All right.

9           We need to schedule next year. We do this every  
10          year and every year we change it. This is just  
11          a straw manual as usual. You know, July 7th is  
12          a few days after the 4th. Is that going to be  
13          an issue for anybody?

14                   VICE CHAIR BOUCHEK:     I'm sure it will  
15          be.

16                   CHAIRMAN GOKORSCH:     Okay. Let me  
17          rephrase that. Is that an issue now for  
18          anybody?

19                   MR. DOWNING:             I'll probably be  
20          off in February and March.

21                   CHAIRMAN GOKORSCH:     Yeah, but that's  
22          pretty common. All right.

23                   MR. DOWNING:             But if I'm still  
24          here.

25                   CHAIRMAN GOKORSCH:     If you're still

1           here, you're here. Should we just approve the  
2           schedule pro forma --

3                   MR. MCGRIEVY:               I'll make a  
4           motion to approve the task order of the Board of  
5           Zoning Appeals 2025 regular meeting schedule.

6                   MS. MULLOY:                I'll second.

7                   CHAIRMAN GOKORSCH:       All in favor?

8                   VICE CHAIR BOUCHEK:       Aye.

9                   MR. DOWNING:               Aye.

10                  MR. MCGRIEVY:             Aye.

11                  MS. MULLOY:               Aye.

12                  CHAIRMAN GOKORSCH:       Aye. Put it in  
13           the record.

14                  VICE CHAIR BOUCHEK:       I'll put it in  
15           and then we'll change it.

16                  CHAIRMAN GOKORSCH:       That's probably  
17           true. All right. I just want to say to  
18           everybody thank you so much. You guys have been  
19           really -- this team has been working really  
20           well. I mean, you've done incredible stuff.  
21           So, I mean, the Laurel, obviously, is just,  
22           like, the biggest deal coming down in the  
23           township in a long time.

24                  My personal feeling is we're going to  
25           revisit Laurel over and over again. And I hope

1           that this new document, the letter to Ms. Klotz  
2           dated November 19, 2024, I hope this will  
3           provide the basis for any kind of actions we  
4           have to take, Zoning Inspector, over the next  
5           two years.

6                       I mean, we got ambushed by the  
7           hootenanny or whatever they called that thing,  
8           that party that they had. We got ambushed and  
9           the township people didn't like it. So, I want  
10          to make sure that we don't get ambushed by them  
11          again.

12                      MR. MCGRIEVY:                So I think they  
13          learned a lesson from what they said, so they  
14          heard it loud and clear.

15                      CHAIRMAN GOKORSCH:        So thank you all.  
16          Do we have anything coming up in the future  
17          here? Nothing yet on the horizon. Okay. So,  
18          we're clean. No party this year. Okay. Well,  
19          I want to thank you all.

20                      It's kind of a bothersome time. You  
21          know, Russell has a reputation of kind of being  
22          really hard-nosed on zoning and I don't feel bad  
23          about that at all. When I look around at some  
24          of the other municipalities around here and see  
25          some of the developments going up, I smile every

1           time I go by the Circle K.

2                   I mean, that was a drag, you know.  
3           That was a -- you know, don't you all go drive  
4           by and kind of go, "Hey, this is" -- I even  
5           smile when I drive by the American Society of  
6           Metals, because this predates most, but, you  
7           know, it's just like one of those things where  
8           you go, "Okay. It's a real bother, and we were  
9           kind of like real whatever," but...

10                   VICE CHAIR BOUCHEK:    I move that we  
11           adjourn.

12                   MR. DOWNING:               Second. All in  
13           favor?

14                   VICE CHAIR BOUCHEK:    Aye.

15                   MR. DOWNING:               Aye.

16                   MR. MCGRIEVY:            Aye.

17                   MS. MULLOY:             Aye.

18                   CHAIRMAN GOKORSCH:    Aye. Okay.

19                   (Meeting ended at 8:36 p.m.)  
20  
21  
22  
23  
24  
25

1 The State of Ohio, )  
2 County of Cuyahoga, ) SS:  
3

4 C E R T I F I C A T E

5 This certifies that the foregoing are a true and  
6 correct transcript of the proceedings had before  
7 the Russell Township Board of Zoning Appeals,  
8 at the Russell Township Town Hall, 14890  
9 Chillicothe Road, Novelty, Ohio 44072, on  
10 Monday, December 2nd, 2024.  
11

12 In Re:

13 Russell Township Board of Zoning Appeals  
14 Monthly Meeting  
15  
16

17 

18 Mary Bolas-Dietz

19 FINCUN-MANCINI COURT REPORTERS  
20 26380 Curtiss Wright Parkway  
21 Cleveland Jet Center, Suite 103  
22 Cleveland, Ohio 44143  
23 (216) 696-2272  
24 email@fincunmancini.com  
25

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